

Exhibit B

6775VILH hearing

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 UNITED STATES OF AMERICA,

4 v.

05 Cr. 621 (KMK)

5 ALBERTO VILAR and GARY TANAKA,

6 Defendants.

7 -----X

8 July 7, 2006

9 10:30 a.m.

10 Before:

11 HON. KENNETH M. KARAS,

12 District Judge

13
14 APPEARANCES

15 MICHAEL J. GARCIA
16 United States Attorney for the
17 Southern District of New York
18 BY: MARC LITT
19 DEIRDRE McEVOY
20 Assistant United States Attorneys

21 HOFFMAN & POLLOK, L.L.P.
22 Attorneys for Defendant Vilar
23 BY: JEFFREY C. HOFFMAN
24 SUSAN C. WOLFE

25 WILSON, SONSINI, GOODRICH & ROSATI
Attorneys for Defendant Tanaka
BY: GLENN CHARLES COLTON
JESSICA MARGOLIS
and
KOBRE & KIM, L.L.P.
BY: STEVEN GARY KOBRE
JUSTIN SHER

6775VILH

Fraterrigo - direct

1 Q. In connection with that investigation, did there come a
2 time you submitted an affidavit for a search warrant?

3 A. Yes.

4 Q. For what location.

5 A. For Amerindo Investment Advisors, Inc. located on 399 Park
6 Avenue, 22nd floor, New York, New York.

7 Q. To whom did you submit your affidavit?

8 A. To Magistrate Judge Frank Maas.

9 Q. When did that occur?

10 A. On May 25th, 2005, in the evening.

11 Q. Was that the first time you applied for a warrant to search
12 the premises of Amerindo's New York office at 399 Park Avenue?

13 A. Yes, it was.

14 Q. Before you applied to Judge Maas for a warrant to search
15 those premises, had you applied for any other warrant in the
16 Amerindo case?

17 A. No, I did not.

18 Q. Where did you go to apply for the warrant?

19 A. Went to the residence of Magistrate Maas.

20 Q. How long did you spend in Magistrate Maas' residence,
21 approximately?

22 A. Approximately one hour.

23 Q. What did you observe Magistrate Maas do?

24 A. I observed him reading the search warrant, the search
25 warrant affidavit, the arrest warrants and the complaints.